

CHAPTER 6.10

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

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6.10.010 Definitions.

(Repealed by Ord. 18092 §71; November 18, 2002; prior Ord. 15890 §1; May 20, 1991). *See Chapter 6.02.*

6.10.020 Dangerous and Potentially Dangerous Dogs; Prohibited.

It shall be unlawful for any person after being notified as provided herein to keep or harbor a dangerous or a potentially dangerous dog within the City of Lincoln without first having complied with the provisions of this chapter. (Ord. 15890 §2; May 20, 1991).

6.10.030 Dangerous and Potentially Dangerous Dogs; Procedure.

Whenever it shall come to the attention of Animal Control that any person within the City of Lincoln is keeping or harboring a dangerous dog or a potentially dangerous dog as defined in this chapter, the Chief Animal Control Officer shall notify the owner of such animal in writing that such dog must be registered as a dangerous or potentially dangerous dog within ten days after the receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified or registered mail. (Ord. 15890 §3; May 20, 1991).

6.10.040 Registration Requirements; Dangerous Dogs.

(a) The owner of any dangerous dog shall register such dog with Animal Control and upon registration shall provide the following:

- (1) The name, address and telephone number of the owner;
- (2) A written description and representation indicating the owner has and will continue to comply with the confinement provisions of this chapter;

(3) Written evidence from a licensed veterinarian that the dog is currently neutered or spayed;

(4) A written acknowledgment that the owner shall notify Animal Control immediately if said dog is known by the owner to be running at large, unconfined, or when the owner has any knowledge or belief that the dog has bitten or is alleged to have bitten a human being or another animal;

(5) A written acknowledgment that the owner of said dog shall notify Animal Control of any changes in material recorded as a part of the registration within twenty-four hours of said change. Changes in material recorded as part of the registration shall include information that the dog has been sold, given away, or otherwise transferred to any other person, and in that event the registered owner shall provide the director with the name, address, and telephone number of such person; and

(6) A non-refundable yearly registration fee of thirty-five dollars, which fee shall be in addition to any other license fee required by this title.

(b) Upon satisfactory completion of all the requirements of this section the Chief Animal Control Officer shall issue a registration certificate which shall be used to assign the dog a permanent number. At the time of registration the Chief Animal Control Officer shall either order the owner to have any dangerous dog tattooed by a licensed veterinarian permanently marking the number assigned herein by tattoo upon the inner side of the dangerous dog's right ear or order the owner to have a microchip inserted in any dangerous dog by a licensed veterinarian within thirty days of the date of registration. The owner shall provide Animal Control with the animal's microchip number within thirty days of the date of the registration. It shall be unlawful for any owner of such dangerous dog to fail to so mark, tattoo, or microchip such dangerous dog as provided herein. It shall be unlawful for any person other than a licensed veterinarian to remove any tattoo, microchip, or any other marking used for identification.

(c) The registration requirements including the notification requirements acknowledged therein shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section.

(d) It shall be unlawful for any person registering a dog to falsify or misrepresent material recorded as a part of the registration. (Ord. 18162 §3; April 14, 2003; prior Ord. 18092 §72; November 18, 2002: Ord. 15890 §4; May 20, 1991).

6.10.050 Registration Requirements; Potentially Dangerous Dogs.

(a) The owner of any potentially dangerous dog shall register such dog with Animal Control and upon registration shall provide the following:

(1) The name, address and telephone number of the owner;

(2) A written acknowledgment that the owner shall notify Animal Control immediately or when the owner has any knowledge or belief that the dog has bitten or is alleged to have bitten a human being or another animal;

(3) A written acknowledgment that the owner of said dog shall notify Animal Control of any changes in material recorded as a part of the registration within twenty-four hours of said change. Changes in material recorded as part of the registration shall include information that the dog has been sold, given away, or otherwise transferred to any other person, and in that event the registered owner shall provide the director with the name, address, and telephone number of such person; and

(4) A non-refundable registration fee of five dollars, which fee shall be in addition to any other license fee required by this chapter.

(b) Upon satisfactory completion of all the requirements of this section the director shall issue a registration certificate which shall be used to assign the dog a permanent number.

(c) The registration requirements including the notification requirements acknowledged therein shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section.

(d) It shall be unlawful for any person registering a dog to falsify or misrepresent material recorded as a part of the registration. (Ord. 15890 §5; May 20, 1991).

6.10.060 Dangerous Dogs; Securely Confined.

(a) It shall be unlawful for the owner of a dangerous dog to fail, neglect, or refuse to securely confine such dog, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. For materials used to provide a securely enclosed and locked pen or structure as required herein, such materials shall, at a minimum, comply with the following:

(1) Any fencing material used shall not have openings with a diameter of more than two inches, or in the case of wooden fence materials, gaps of more than two inches wide;

(2) Any gates within such pen or structure shall be lockable or of such design to prevent the entry of children or the escape of the dog.

(b) The required pen or structure shall have secure sides and a secure top. Any top provided shall be a fence outrigger on the top of the fencing material or an equivalently secured top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements.

(c) The owner of a dangerous dog shall securely restrain such dog by chain or leash when moving the dog to or from such pen or structure. (Ord. 16323 §1; March 15, 1993; prior Ord. 15890 §6; May 20, 1991).

6.10.070 Dangerous Dogs; Leash Required.

It shall be unlawful for any owner of a dangerous dog to permit such dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash and properly muzzled to reasonably prevent the dog from biting. (Ord. 16323 §2; March 15, 1993; prior Ord. 15890 §7; May 20, 1991).

6.10.080 Dangerous Dogs; Warning Signs.

The owner of a dangerous dog shall display signs provided by Animal Control warning that there is a dangerous dog on the property. These signs shall be placed under the supervision and direction of the Chief Animal Control Officer so as to be readily discernible and clearly visible from the public sidewalk or property line at any actual or customary point of entry to the premises. An additional sign to be provided by Animal Control shall be conspicuously displayed on any pen or structure provided for such dangerous dog. (Ord. 15890 §8; May 20, 1991).

6.10.090 Dangerous Dogs; Confiscation.

Any dangerous dog may be immediately confiscated by an Animal Control Officer if in violation of this chapter. The owner shall be responsible for the reasonable costs incurred for the care of a dangerous dog confiscated or for the destruction of any dangerous dog as authorized herein.

In addition to any other penalty, a court may order the Animal Control authority to dispose of a dangerous dog in an expeditious and humane manner. (Ord. 15890 §9; May 20, 1991).

6.10.100 Bites Unlawful.

It shall be unlawful for the owner of any dangerous or potentially dangerous dog required to be registered under this chapter to permit or allow such dog to kill, bite, chase, attack, injure, wound, or endanger in such a way that the dog may be considered either a dangerous dog or a potentially dangerous dog as defined in Chapter 6.02. In addition, any such dangerous dog required to be registered under this chapter shall be immediately confiscated by an Animal Control Officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Ord. 18162 §4; April 14, 2003; prior Ord. 15890 §10; May 20, 1991).

6.10.110 Appeals.

The determination that any dog is dangerous or potentially dangerous as defined herein shall be deemed to have been made upon notice to the owner of such dog as provided in Section 6.10.030. Upon such notification and after the expiration of eleven days from the date of such notice, the determination shall be final and binding upon the city and upon the owner unless within ten days after notice, the owner requests, in writing, a review of the determination by the director. At such review the owner may present any written statements or documentary evidence relevant to the determination. The director shall make a final and binding determination after such review within fifteen days of the date of review. The owner may appeal any final determination to the district court as provided by law. (Ord. 15890 §11; May 20, 1991).

6.10.120 Penalty.

Any person who shall violate any of the provisions of Section 6.10.060, 6.10.070, or 6.10.100 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or be fined in a sum not to exceed \$500.00 and not less than \$200.00 recoverable with costs, or by both such fine and imprisonment.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter for which a penalty is not specifically provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or be fined in a sum not to exceed \$500.00 and not less than \$50.00 for the first offense and not less than \$75.00 for a second offense, and not less than \$100.00 for the third offense and each offense thereafter, recoverable with costs, or by both such fine and imprisonment.

In addition to the penalties for all violations herein provided, the court may order such person to reimburse the city, and/or a public or private agency for expenses incurred in the care, medical treatment, impoundment, and disposal of any animal involved in or connected with the incident for which the complaint was filed.

A court, upon finding a person guilty of any violation of this title, may in addition to fines, imprisonment, costs, or otherwise, order such convicted person to make restitution to any persons for damage or injury to such person or such person's property.

Each day that a violation of this chapter continues shall be punishable as a separate offense. The penalty herein provided shall be cumulative and in addition to revocation, cancellation, or forfeiture of any license, permit, or right granted by this chapter or elsewhere. (Ord. 18092 §73; November 18, 2002; prior Ord. 15890 §12; May 20, 1991).